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November 16, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450Conf. No. 8183
Art Unit: 1631
Examiner: J. Martinell

Re: U.S. Patent Application Serial No. 10/767,795 filed January 29, 2004
Inventors: David K. KOVALIC *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants and Uses Thereof for Plant Improvement
Atty. Dkt: 16517.312

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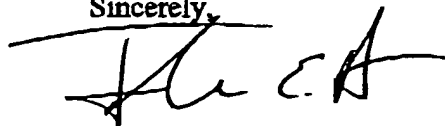
Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) is a Request for Corrected Application Publication under 37 C.F.R. § 1.221(b) (with Appendix A).

It is respectfully requested receipt of this communication be acknowledged via return facsimile (202-942-5999).

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.312. A duplicate copy of this letter is enclosed.

Sincerely,

Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)

Enclosures

I hereby certify that the foregoing Request for Corrected Application Publication under 37 C.F.R. § 1.221(b) is being facsimile transmitted to the attention of Mr. Shelby Pittman via facsimile number (703) 305-8568.


Thomas E. Holsten (Reg. No. 46,098)November 16, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David K. KOVALIC *et al.*

Appl. No.: 10/767,795

Filed: January 29, 2004

Confirmation No. 8183

Art Unit: 1631

Examiner: James Martinell

Atty. Docket: 16517.312

Title: **Nucleic Acid Molecules and Other Molecules Associated with Plants and Uses
Thereof for Plant Improvement**

**Request for Corrected Application Publication
Under 37 CFR § 1.221(b)**

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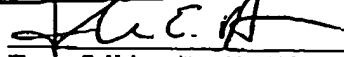
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the application publication and Sequence Listing published in the above referenced matter be corrected under 37 C.F.R. § 1.221(b).

On January 29, 2004, the above-captioned U.S. application was filed with a Computer Readable Form (CRF) on a floppy diskette containing nucleic acid and amino acid sequences, 2 CD-Rs (Copy 1, Copy 2) containing the Sequence Listing, and a statement regarding the sequence submission. The sequence listing included 117,596 sequences obtained from *Gossypium hirsutum* (cotton).

I hereby certify that the foregoing Request for Corrected Application Publication under 37 C.F.R. § 1.221(b) is being facsimile transmitted to the attention of Mr. Shelby Pittman via facsimile number (703) 305-8568.


Thomas E. Holsten (Reg. No. 46,098)

November 16, 2004
Date

In addition, the application as filed contained Table 1. In particular, the application as filed contained two diskettes containing Copy 1 and Copy 2 of Table 1, respectively.

Thereafter, the above-captioned application was published on September 16, 2004 under 35 U.S.C. § 122(b) as Publication No. US 2004/0181830. The application as published contains an electronic sequence listing having 6585 sequences obtained from *Gossypium hirsutum*. See, Publication US 2004/0181830, (<http://seqdata.uspto.gov/sequence.html?DocID=20040181830>). The electronic sequence listing published did not contain all of the sequences filed in the above-captioned case. Applicants respectfully submit that the sequences were erroneously published in the present application.

Further, the specification as published, does not contain Table 1 as contained on the diskettes as filed on January 29, 2004.

Applicants' representative called the Patent Office, Office of Pre-Grant Publication on November 16, 2004 to alert them to the publication error prior to send this request for correction.

In light of the above, Applicants hereby request that the application publication be corrected to include all 117,596 sequences filed with the application on January 29, 2004, as well as corrected to include Table 1 as contained on the diskettes pursuant to 37 C.F.R. § 1.221(b).

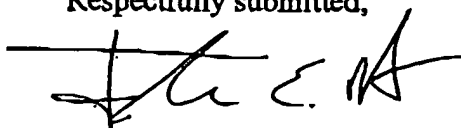
In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37

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C.F.R. §§ 1.16 or 1.17 are required in the present application, authorization is hereby given in the accompanying transmittal letter.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,



Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)

Filed: November 16, 2004

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